

GARFIELD COUNTY, UTAH

ORDINANCE NO. 2021-2

SHORT-TERM RENTALS

AN ORDINANCE TO REGULATE THE USE OF PRIVATE DWELLING UNITS AS SHORT-TERM RENTALS IN GARFIELD COUNTY, UTAH.

WHEREAS, The Board of County Commissioners of Garfield County, Utah deem it necessary to enact certain standards, rules and regulations regarding the use of privately-owned dwelling units as Short-Term Rentals located in Garfield County, Utah in the interest of the health, safety and welfare of the Short-Term Rental occupants and the citizens of Garfield County, Utah.

Be it ordained by the Board of Commissioners of Garfield County, Utah as follows:

Section 1 SHORT TITLE

This Ordinance shall be known as the "Short-Term Rental Ordinance."

Section 2 PURPOSE

The purpose of this Ordinance is to establish regulations for the use of privately-owned dwelling units as Short-Term Rentals to protect local residents' quality of life, building safety and fire hazard mitigation, ensure proper collection and remittance of Transient Room Taxes and appropriate Sales and Use Taxes and to address negative impacts relating to noise, parking, traffic, garbage and other common occurrences resulting from Short-Term Rentals.

Section 3 DEFINITIONS

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **Applicant**: The Owner of the Short-Term Rental unit or the Owner's authorized agent or representative.
2. **Building Official**: The Garfield County Building Official.
3. **Glamping Unit**: A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structure include, but are not limited to: tents, yurts, teepees, covered wagons, etc. Glamping Units are regulated under the Garfield County Glamping Ordinance.
4. **Local Contact Person**: The person designated by the Owner or the Manager, for the purpose of: 1) responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental; and 2) taking remedial action to resolve any such complaints.
5. **Manager**: The Owner or the designated agent or representative of the Owner who is responsible for compliance with this Ordinance.
6. **Owner**: The person(s) or entity(ies) that hold(s) legal and/or equitable title to a dwelling unit being operated, legally or not, as a Short-Term Rental.

7. **Property:** A legal lot of record on which a Short-Term Rental is located.
8. **Short-Term Rental (STR):** A dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, single-family dwellings, multiple family dwellings, accessory dwelling units (ADU's), glamping units or any other dwelling unit for a period typically less than thirty (30) consecutive days.

Additionally, any dwelling unit that 1) is listed on any accommodation website including but not limited to Airbnb, Vrbo, HomeAway, Trip Advisor, etc.; 2) has (or should have) an approved Garfield County Business License and Conditional Use Permit, if applicable, for a STR or 3) pays (or should pay) applicable Sales and Use and Transient Room Taxes for the STR, is hereby considered a Short-Term Rental and shall be subject to the regulations set forth in this Ordinance, even if the STR is rented out for a period longer than thirty (30) days. (See Appendices 2 and 3).
9. **Transient:** Occupancy of a dwelling unit for not more than thirty (30) days.
10. **Zoning Administrator:** The person formally assigned by the Garfield County Commission to enforce the provisions of this Ordinance.

Section 4 SHORT-TERM RENTAL BUILDING INSPECTION REQUIRED

An inspection for compliance with the regulations set forth in Sections 9-11 of this Ordinance and the current International Building Code shall be performed at the Short-Term Rental property by the Building Official or, if approved by the Building Official, a third-party inspector prior to approval of the Conditional Use Permit and Business License.

Section 5 CONDITIONAL USE PERMIT AND BUSINESS LICENSE REQUIRED

1. A Conditional Use Permit shall be required for a Short-Term Rental in all zoning districts in Garfield County except a) Commercial, b) Resort Recreation and c) Wildlife Habitat. Short-Term Rentals are permitted in Commercial and Resort Recreation zoning districts and prohibited in Wildlife Habitat. No dwelling in any zoning district shall be occupied or used as a Short-Term Rental until the Owner has obtained an approved:
 - a. Short-Term Rental Inspection from the County Building Official;
 - b. Conditional Use Permit from the County Commission, if applicable; and
 - c. Business License from the County Commission.
2. The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The County shall suspend all permits and licenses for Short-Term Rentals more than one (1) year past due on applicable taxes until the Owner has paid all applicable taxes.
3. If a Manager or individual is managing more than one Short-Term Rental property in Garfield County, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property in Garfield County, in addition to the Business License required for the Manager themselves.

Section 6 FEES

Appropriate fees shall be charged for Short-Term Rental inspections, Conditional Use Permit applications, Business License applications and renewals and any other services required by this Ordinance. Such fees shall be established by the County Commission and shall be referred to in the Garfield County Planning and Zoning Fee Resolution.

Section 7 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON

1. **Designation.** An Owner may designate a Manager or Local Contact Person to be held responsible for compliance with the requirements of this Ordinance on behalf of the Owner. Notwithstanding this subsection, the Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental.
2. **Manager Availability.** While a Short-Term Rental is occupied or open for business, the Manager and/or Local Contact Person shall be readily available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental.
3. **Manager Responsibility for Guest's Conduct.** The Manager and/or Local Contact Person shall use reasonably prudent business practices to ensure that the occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental.
4. **Manager Response to Complaint.** The Manager and/or Local Contact Person shall, upon notification that any occupant of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental, respond within one (1) hour to halt or prevent recurrence of such conduct.
5. **Failure to Respond.** Upon failure of the Manager or Local Contact Person to respond to calls or complaints in one (1) hour regarding the condition, operation or conduct of occupants of the Short-Term Rental, the Manager shall receive written notice from the County. In the event that the Owner, Manager or Local Contact Person fail to respond to the complaints and or written notification from the County, the County Commission may consider revocation of the Owner's Conditional Use Permit in a public meeting.

Section 8 SALE OR TRANSFER OF PROPERTY

In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within thirty (30) days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said thirty (30) days, the license will be forfeited and the Owner shall be required to re-apply for all appropriate inspections, permits and licenses.

Section 9 BUILDING STANDARDS

At a minimum, any dwelling unit permitted as a Short-Term Rental shall conform to the standards listed in the Short-Term Rental Inspection Checklist (See **Appendix 1**).

Section 10 PARKING REGULATIONS

The Owner or Manager or any Short-Term Rental shall ensure appropriate off-street parking is provided for its occupants of the Short-Term Rental in accordance with the following:

1. Unless specifically approved by adjacent property owners, off street parking shall be provided **on the same Property** as the Short-Term Rental; and
2. The number of vehicles allowed for the occupants of a Short-Term Rental shall be restricted to the number of off-street parking spaces provided by the Owner.

Section 11 REQUIRED POSTING

The following information shall be posted in a conspicuous location inside any dwelling unit licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and phone number of the Owner, Local Contact Person or Manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A map showing property boundaries and parking spaces;
5. The maximum occupancy of the dwelling unit and number of vehicles allowed;
6. Trash pick-up day, if applicable, and rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A list of all rules for the specific Short-Term Rental, if applicable.

Section 12 PREVENTION OF NOISE, NUISANCE OR TRESPASS

The Owner or Manager of any Short-Term Rental shall ensure occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding areas;
2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets or engaging in outside recreational or other activities after 10:00 P.M and before 9:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal.

Section 13 ENFORCEMENT PROVISIONS

1. Any Owner who allows occupation of a dwelling unit as a Short-Term Rental in Garfield County, as defined herein, without having first obtained the required approvals of Sections 4 and 5 of this Ordinance shall:
 - a. Receive a request from the County to come into compliance;
 - b. Upon failure to respond to the first request within thirty (30) days, receive a formal incompliance notice from the County Attorney; and
 - c. Upon failure to respond to the second notice within fourteen (14) days, the Owner may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner or Manager of a Short-Term Rental in Garfield County who refuses to cooperate with, or respond to the Building Department, Planning Department, Clerk's Office or any other County Office or staff member after a period of sixty (60) days from the initial notification concerning the provisions of this Ordinance may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
3. Any Owner or Manager of a Short-Term Rental in Garfield County who, having first obtained the required approvals for use of said dwelling as a Short-Term Rental, thereafter operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
4. In the event of any one (1) violation of this Ordinance committed by an Owner, Manager, Local Contact Person or occupant of the Short-Term Rental, the County Commission shall discuss said violation(s) in a public meeting and consider action, including possible fines or revocation of the Conditional Use Permit and/or Business License for the Short-Term Rental in accordance with the provisions of this Ordinance.

Section 14 APPEALS

Any person or entity aggrieved by a decision of the Building Official, Zoning Administrator, Planning Commission or any other County Office or staff member regarding the provisions of this Ordinance shall have the right to appeal such decision to the County Commission if a written request for an appeal is filed with the Zoning Administrator within fourteen (14) days of verification that the aggrieved person or entity has been made aware of the decision.

Section 15 SEVERABILITY

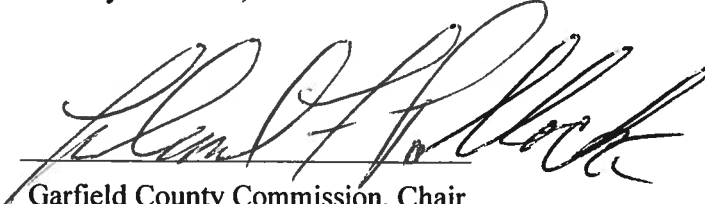
Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

Section 16 EFFECT ON PREVIOUS ORDINANCE

The previously adopted Short-Term Rental Ordinance by the Board of Garfield County Commissioners on the 14th day of October, 2019 and amended on the 23rd day of March, 2020 is hereby rescinded and superseded in its entirety upon adoption of this Ordinance.


Section 17 ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 22nd day of March, 2021.



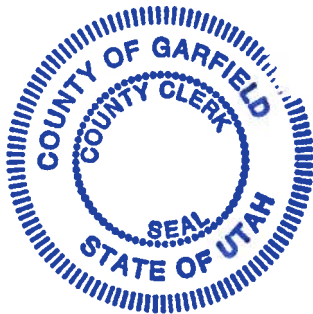
Garfield County Commission, Chair
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk
Camille A. Moore

County Seal:



Appendix 1 SHORT-TERM RENTAL INSPECTION CHECKLIST



GARFIELD COUNTY STR INSPECTION CHECKLIST

The following list includes the most common violations on STR Inspections. Other life safety violations discovered by the Building Inspector will be presented to the applicant in the STR Inspection Report.

- ☐ One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor) **IRC 314.**
- ☐ An operable carbon monoxide detector on each floor installed per the manufacture's specifications, when gas appliances are utilized in the structure **IRC 314.**
- ☐ Gripable hand railing (1 ¼ inches to 2 inches) on all staircases **IRC 311.7.8.**
- ☐ GFCI plugs are required within 6 feet of all sinks/baths/toilets and all exterior outlets **IRC E3902.**
- ☐ Sleeping rooms must meet current International Residential Code (IRC) requirements for egress **IRC R3111.**
- ☐ Each Short-Term Rental unit shall have at least one operable fire extinguisher.
- ☐ Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.
- ☐ Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Garfield County Building Inspector prior to occupancy of the Short-Term Rental unit.
- ☐ Required Posting in the Short-Term Rental Unit
 - a. A copy of the Short-Term Rental Business License.
 - b. The name and phone number of the Owner, Local Contact Person or Manager and local emergency contact information.
 - c. The location of all fire extinguishers and emergency exits.
 - d. A list of all rules applicable for the specific Short-Term Rental.
 - e. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed.
 - f. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.
 - g. A map showing property boundaries and parking spaces.

Appendix 2 DWELLING UNIT RENTAL COMPARISON TABLE

DWELLING UNIT RENTAL COMPARISON TABLE			
	Short-Term	Month-to-Month	Long-Term
Min. Length of Stay	30 days or less	At least 30 days	6 months to 1 year
Nightly Rental Fee	\$\$\$	\$\$	\$
Management Needed	30-40 hours/month	<5 hours/month	<1 hour/month
Business License	Yes	Yes, for commercial use	No
Conditional Use	Yes, in most Zones	Yes, for commercial use	No
Turnover	High	Medium	Low
Taxes	Income, Business	Income, Business for commercial use	Income only
Primary Purpose	Hospitality for commercial use	Residential, Hospitality for commercial use	Residential only

Appendix 3 SHORT-TERM RENTAL CLASSIFICATION FLOWCHART

SHORT-TERM RENTAL CLASSIFICATION FLOWCHART

